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BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
SEATTLE MASONIC TEMPLE, INC.,)
Appellant,)
v.)
PUGET SOUND AIR POLLUTION)
CONTROL AGENCY,)
Respondent.)

PCHB No. 623

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

A hearing on this appeal came on before hearing examiner Gayer Dominick (presiding officer), on September 30, 1974 in Seattle, Washington. Appellant was represented by its Temple manager, G. Hurst Paul, pro se; respondent appeared through Keith D. McGoffin.

Witnesses were sworn and testified. Exhibits were admitted.

From the transcript of the proceedings reviewed, testimony and arguments considered and exhibits examined and exceptions noted, the Pollution Control Hearings Board makes these

1 FINDINGS OF FACT

2 I.

3 Respondent, pursuant to Section 5, chapter 69, Laws of 1974, 3rd
4 Ex. Sess., has filed with this Board a certified copy of its Regulation I
5 containing respondent's regulations and amentments thereto.

6 II.

7 On May 28, 1974, appellant, while operating its furnace at its
8 Temple located at 801 East Pine Street, Seattle, Washington, caused or
9 permitted emissions of black-grey smoke from its chimney resulting in an
10 ambient concentration of between 2-1/2 and 2-3/4 density on the
11 Ringelmann Chart for approximately six minutes.

12 III.

13 On May 28, 1974, respondent issued to appellant a Notice of
14 Violation No. 9781, and on May 31, 1974 respondent issued to appellant a
15 Notice of Civil Penalty No. 1611 for \$50.00, from which appellant filed
16 its timely Notice of Appeal with this Board.

17 IV.

18 Appellant has been afforded a hearing before this Board which
19 gave it:

- 20 1. Advance notice of the charges;
21 2. An opportunity to respond to the charges;
22 3. An opportunity to present witnesses under oath;
23 4. An opportunity to confront and cross-examine opposing
24 witnesses under oath; and
25 5. An opportunity to have a verbatim transcript.

26 FINAL FINDINGS OF FACT,
27 CONCLUSIONS OF LAW AND ORDER

1 V.

2 Any Conclusion of Law hereinafter recited which should be deemed
3 a Finding of Fact is hereby adopted as such.

4 From these Findings, the Pollution Control Hearings Board comes to
5 these

6 CONCLUSIONS OF LAW

7 I.

8 Appellant's emissions on May 28, 1974, were in violation of
9 Section 9.03 of Article I of Regulation I, adopted pursuant to
10 RCW 70.94, the Washington Clean Air Act.

11 II.

12 Any Finding of Fact which should be deemed a Conclusion of Law
13 is hereby adopted as such.

14 Therefore, the Pollution Control Hearings Board issues this

15 ORDER

16 The appeal is denied and the \$50 civil penalty is sustained.

17 DONE at Lacey, Washington this 9th day of December, 1974.

18 POLLUTION CONTROL HEARINGS BOARD

19 Walt Woodward
20 WALT WOODWARD, Chairman

21 Chris Smith
22 CHRIS SMITH, Member

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27 FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER